

1-1 By: Taylor S.B. No. 852
1-2 (In the Senate - Filed February 26, 2013; March 5, 2013,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 18, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 18, 2013,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Carona	X			
1-10	Taylor	X			
1-11	Eltife	X			
1-12	Estes			X	
1-13	Hancock	X			
1-14	Lucio	X			
1-15	Van de Putte	X			
1-16	Watson	X			
1-17	Whitmire	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 852 By: Taylor

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to availability of certain property and casualty insurance
1-22 forms.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle A, Title 10, Insurance Code, is amended
1-25 by adding Chapter 1812 to read as follows:

1-26 CHAPTER 1812. AVAILABILITY OF SPECIMEN POLICIES

1-27 Sec. 1812.001. DEFINITION. In this chapter, "specimen
1-28 policy" means a standardized form, including an insurance policy
1-29 form or endorsement, used by an insurer to write personal
1-30 automobile, commercial automobile, inland marine, or residential
1-31 property insurance in this state that does not contain personally
1-32 identifiable information about an insured.

1-33 Sec. 1812.002. AVAILABILITY OF CERTAIN FORMS.

1-34 (a) Notwithstanding any other provision of this code relating to
1-35 the delivery of policy forms, an insurer may elect to make a
1-36 personal automobile, commercial automobile, inland marine, or
1-37 residential property insurance policy available to an insured by
1-38 posting a specimen policy on the insurer's Internet website instead
1-39 of other authorized means. An insurer making the election must
1-40 comply with Section 1812.003.

1-41 (b) On request of and at no cost to an insured, an insurer
1-42 shall provide to the insured a copy of a specimen policy applicable
1-43 to the insured that is posted on the insurer's Internet website.

1-44 Sec. 1812.003. NOTICE OF AVAILABILITY OF CERTAIN FORMS.

1-45 (a) An insurer that posts a specimen policy on the insurer's
1-46 Internet website under this chapter must, on issuance or renewal of
1-47 a policy incorporating the specimen policy:

1-48 (1) on the declarations page of the insured's policy:

1-49 (A) disclose that the specimen policy is
1-50 available on the insurer's Internet website; and

1-51 (B) clearly identify each posted specimen policy
1-52 incorporated into the insured's policy;

1-53 (2) explain that and how an insured, on request and at
1-54 no charge, may obtain a copy of the specimen policy from the
1-55 insurer; and

1-56 (3) provide to the department and the office of public
1-57 insurance counsel an electronic copy of the specimen policy that
1-58 may be posted on the Internet website of the department or the
1-59 office of public insurance counsel.

1-60 (b) An insurer that during an insured's policy period posts

a specimen policy or amends a posted specimen policy incorporated into an insured's policy must, on the date the specimen policy is posted or amended, in writing and in the insurer's customary manner of communicating with the insured:

(1) notify the insured that the specimen policy is available on the insurer's Internet website;

(2) clearly identify each added or amended specimen policy incorporated into the insured's policy; and

(3) explain that and how the insured, on request and at no charge, may obtain a copy of the specimen policy from the insurer.

Sec. 1812.004. ACCESSIBILITY OF CERTAIN AVAILABLE FORMS. A specimen policy posted on the insurer's Internet website under this chapter must be, until no policy incorporating the specimen policy is in force:

(1) easily accessible on the website; and

(2) provided in a format readily capable of being saved or printed using a widely available and free computer application or program.

Sec. 1812.005. RETENTION OF CERTAIN AVAILABLE FORMS. An insurer that posts a specimen policy on the insurer's Internet website under this chapter must for at least five years after the latest date a policy incorporating the specimen policy is in force:

(1) preserve an electronic copy of the specimen policy; and

(2) make a printed or electronic copy of the specimen policy available on request at no cost.

SECTION 2. This Act applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after the effective date of this Act. A policy delivered, issued for delivery, or renewed before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

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